



RECEIVED PTO 03 MAR 2006

PCT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/538,707
Applicant : Jean Schmitt et al.
Filed : June 10, 2005
Title : "NON INTRUSIVE CONTROL PROCESS FOR AN XDSL TYPE
TRANSMISSION LINE"

Confirmation No. : 3757
TC/A.U. : TBD
Examiner : TBD
Customer No. : 116
Docket No. : 38333

LETTER

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO 1533) dated February 16, 2006 (copy enclosed), the required Declaration and Power of Attorney was sent to the Patent Office on the filing date of June 10, 2005 as indicated on the enclosed form PTO-1930, return receipt postcard stamped by USPTO as being received as well as the information from PAIR.

Payment of \$130.00 is not required since the Declaration and Power of Attorney was sent to the U.S. Patent Office at the time of filing as indicated on the enclosed form PTO-1390.

Accordingly, all the missing parts of the application, including payment of the late filing surcharge, have been filed and no further action is required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Jeffrey J. Sopko

Name of Attorney for Applicant(s)

February 28, 2006

Date

Signature of Attorney

Application No.: 10/538,707
February 28, 2006
Page 2 of 2

If there are any further fees resulting from this communication please charge the same to Deposit
Account No. 16-0820, Order No. 38333.

Respectfully submitted,
PEARNE & GORDON LLP

By: 

Jeffrey J. Sopko, Reg. No. 27676

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

February 28, 2006

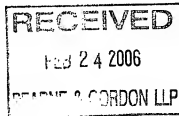


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/538,707	FIRST NAMED APPLICANT Jean Schmitt	ATTY. DOCKET NO. 38333
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116
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108



INTERNATIONAL APPLICATION NO. PCT/FR03/50177	
I.A. FILING DATE 12/16/2003	PRIORITY DATE 12/18/2002

CONFIRMATION NO. 3757
371 FORMALITIES LETTER
OC000000018052960

Date Mailed: 02/16/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/10/2005
- English Translation of the IA filed on 06/10/2005
- Copy of the International Search Report filed on 06/10/2005
- Information Disclosure Statements filed on 06/10/2005
- U.S. Basic National Fees filed on 06/10/2005
- Priority Documents filed on 06/10/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,707	PCT/FR03/50177	38333

FORM PCT/DO/EO/905 (371 Formalities Notice)

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

Available Documents			
Mail Room Date	Document Description	Document Category	Page Count
02-16-2006	Notice of DO/EO Missing Requirements Mailed	PROSECUTION	2
06-10-2005	Foreign Reference	PRIOR ART	20
06-10-2005		PRIOR ART	14
06-10-2005		PRIOR ART	92
06-10-2005		PRIOR ART	8
06-10-2005	Transmittal letter	PROSECUTION	3
06-10-2005	Specification	PROSECUTION	13
06-10-2005	Claims	PROSECUTION	2
06-10-2005	Abstract	PROSECUTION	1
06-10-2005	Drawings	PROSECUTION	13
06-10-2005	Oath or Declaration filed	PROSECUTION	3
06-10-2005	Miscellaneous Internal Document	PROSECUTION	1
06-10-2005	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
06-10-2005		PROSECUTION	3
06-10-2005	Foreign Priority Papers Filed	PROSECUTION	48
06-10-2005	Application Data Sheet	PROSECUTION	3
06-10-2005	Documents submitted with 371 Applications	PROSECUTION	7
06-10-2005	Documents submitted with 371 Applications	PROSECUTION	31

Close Window

Express Mail: EV52332236005 No. 26631
Inventor / Applicant: Jean Schmitt et al.
Title: Non-intrusive control process for an XDSL type etc
Serial No. 180 Patent No. _____ Date _____
Filed: Hercowitz Examiner: _____
Enclosed Are:
☒ ☐ PATENT APPLICATION (PCT-based)
☒ New Application Transmittal (PTO-1340)(x2) cert. of Exp. Mail
☐ Fee Transmittal (in duplicate) Specification (13 pgs)
☒ Application Data Sheet (3 pgs) Abstract (1 pg)
☒ Declaration & Power Of Attorney 3 pgs (copy)
☒ Pgs. of Claims
☒ 13 Sheet(s) of Drawing(s)
☒ Formal ☐ Informal
☐ Continuation or Division
☒ ASSIGNMENT 3 pgs.
☒ Transmittal(s)
☐ Original ☒ Copies
☐ INFORMATION DISCLOSURE
PTO-1449 NO2 Rec'd PCT/PTO 10 JUN 2005
☐ AMENDMENT
in Response to Paper No. _____

Priority Documents listed below
Other: cert. of Exp. Mail
Specification (13 pgs)
Abstract (1 pg)
10/538707
CHECK(S) IN THE AMOUNT(S) OF
\$ 1040.00 \$ _____
Client Code BRV Doc. No. 38333
Int. JUS/ALW Date 6/19/2005
ACKNOWLEDGES RECEIPT OF:

**TRANSMITTAL LETTER TO THE UNITED STATES
 DESIGNATED/ELECTED OFFICE (DO/EO/US)
 CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

38333

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
 PCT/FR2003/050177

INTERNATIONAL FILING DATE
 16 Dec 2003 (16/12/2003)

PRIORITY DATE CLAIMED
 18 Dec 2002 (18.12.2002)

TITLE OF INVENTION
 NON INTRUSIVE CONTROL PROCESS FOR AN XDSL TYPE TRANSMISSION LINE

APPLICANT(S) FOR DO/EO/US

SCHMITT, Jean and LE FOLL, Dominique

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, and Form PTO-1449
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/FR2003/050177		ATTORNEY'S DOCKET NUMBER 38333	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/> Basic national fee.....	\$300		\$ 300.00	
22.	<input checked="" type="checkbox"/> Examination fee If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....	\$100 \$200		\$ 200.00	
23.	<input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100 \$400 \$500		\$ 500.00	
TOTAL OF 21, 22 and 23 =				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
29 - 100 = 0	/50 = 0		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	6 - 20 = 0		x \$ 50	\$ 0.00	
Independent claims	2 - 3 = 0		x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =				\$ 1,000.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				0.00	
SUBTOTAL =				\$ 1,000.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+ \$ 0.00	
TOTAL NATIONAL FEE =				\$ 1,000.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$ 40.00	
TOTAL FEES ENCLOSED =				\$ 1,040.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a.	<input checked="" type="checkbox"/> A check in the amount of \$ 1,040.00	to cover the above fees is enclosed.			
b.	<input type="checkbox"/> Please charge my Deposit Account No. _____	in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.			
c.	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0820	A duplicate copy of this sheet is enclosed.			
d.	<input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer Number: 00116					
SIGNATURE Jeffrey J. Sosko					
NAME 27676					
REGISTRATION NUMBER					